

CORRECTED REPRINT  
**HOUSE . . . . . No. 2868**

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By Mr. Koutoujian of Waltham, petition of Peter J. Koutoujian and others relative to wage disparity among direct care workers for the mentally retarded. Mental Health and Substance Abuse.

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**The Commonwealth of Massachusetts**

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PETITION OF:

Peter J. Koutoujian	Kathleen M. Teahan
Ruth B. Balser	Joyce A. Spiliotis
Patricia D. Jehlen	James R. Miceli
Matthew C. Patrick	Karen E. Spilka
John W. Scibak	Gloria L. Fox
Susan C. Fargo	William Lantigua

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In the Year Two Thousand and Five.

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**AN ACT RELATIVE TO THE ELIMINATION OF WAGE DISPARITY AMONG  
DIRECT CARE WORKERS FOR THE MENTALLY RETARDED.**

*Be it enacted by the Senate and House of Representatives in General  
Court assembled, and by the authority of the same, as follows:*

- 1       (1) In this section the following words shall have the meanings
- 2       indicated, unless the context requires otherwise:
- 3       i. "Community provider" means a community-based agency or
- 4       program funded by the department of mental retardation to serve
- 5       individuals with mental retardation.
- 6       ii. "Community direct care worker" means an employee of
- 7       community provider that provides treatment, support, or services
- 8       to those with mental retardation and/or their families.
- 9       iii. "Disparity amount" means the monetary calculations of the
- 10      average difference in wages, compensation, salary, and benefits,
- 11      including but not limited to health insurance and inclusion in the
- 12      state retirement system, between community direct service
- 13      workers or other comparable employees in the commonwealth's
- 14      state operated programs for mental retardation.

15       iv. “Rate” means the reimbursement rate paid by the department  
16      of mental retardation to a community provider from state or fed-  
17      eral, or a combination of funds.

18       (2) The department of mental retardation shall reimburse com-  
19      munity providers as provided in this section.

20       (3) The rate of reimbursement for the community services  
21      providers shall be increased by an amount that:

22       1) Reduces the disparity amount to 75% on or before July 1,  
23      2005;

24       2) Reduces the disparity amount to 50% on or before July 1,  
25      2006;

26       3) Reduces the disparity amount to 25% on or before July 1,  
27      2007;

28       4) Eliminates the disparity amount on before July 1, 2008.

29       (4) All increased in the rate of reimbursement provided for in  
30      this section shall be used to increase the compensation of commu-  
31      nity direct care workers serving those with mental retardation.

32       (5) On or before January 1, 2004 the executive office of admin-  
33      istration and the department of mental retardation, working with  
34      representatives from the Association of Developmental Disabili-  
35      ties Providers, shall report to the Senate Committee on Ways and  
36      Means, the House Committee on Ways and Means, the Joint Com-  
37      mittee on Human Services and Elderly Affairs, and the Joint Com-  
38      mittee on Public Service their determination of:

39       i. The disparity amount;

40       ii. The amount of annual increase in the rate of reimbursement  
41      to community providers necessary to reduce and eliminate the dis-  
42      parity amount as required under subsection (3) of this section.

43       (6) The Commissioner of the Department of Mental Retardation  
44      shall adopt regulations to implement this section.

45       (7) Nothing in this section shall be construed to prohibit the  
46      elimination of the disparity amount prior to July 1, 2008.